

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 549**

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**Introduced by Assembly Member Jones-Sawyer**

February 20, 2013

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An act to amend Section 32282 of the Education Code, relating to school safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Jones-Sawyer. Comprehensive school safety plans: adult role on campus guidelines.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of the particular school, except as specified with regard to a small school district. Existing law requires the comprehensive school safety plan to include specified strategies and programs that will provide or maintain a high level of school safety.

This bill would require those strategies and programs to include the development of clear guidelines, *including, among other things*, for the roles and responsibilities of adults on the school campus, thereby imposing a state-mandated local program. *The bill would require a school and school district that elects to apply for and receive state or federal funding for the purposes of increasing campus safety to comply with certain requirements, including submitting a plan to the State Department of Education on the proposed use of the funds.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. (a) The Legislature finds and declares all of the  
2     following:

3     (1) It is imperative that California maximizes the health, welfare,  
4     and safety of children in and out of schools.

5     (2) Schools remain one of the safest places for students.

6     (3) Recent California voter surveys indicate that Californians  
7     strongly support planning, training, mental health services, and  
8     teaching conflict resolution as ways to improve safety and prevent  
9     violence in schools.

10    (4) More than a ratio of 2-to-1 eligible California voters believe  
11    having trained guidance counselors in every school would be more  
12    effective than having armed police officers in the schools.

13    (b) It is therefore the intent of the Legislature to foster a positive  
14    learning environment for students in schools with role-appropriate  
15    adults who are focused on academic excellence, health, wellness,  
16    and safety.

17    (c) Further, it is the intent of the Legislature to improve school  
18    campus safety and academic success by better defining the roles  
19    and responsibilities of adults on campus as they pertain to safety  
20    and school discipline.

21    ~~SECTION 1. It is the intent of the Legislature to improve school~~  
22    ~~campus safety and academic success by better defining the roles~~  
23    ~~and responsibilities of adults on campus as they pertain to safety~~  
24    ~~and school discipline.~~

25    SEC. 2. Section 32282 of the Education Code is amended to  
26    read:

27    32282. (a) The comprehensive school safety plan shall include,  
28    but not be limited to, both of the following:

1 (1) Assessing the current status of school crime committed on  
2 school campuses and at school-related functions.

3 (2) Identifying appropriate strategies and programs that will  
4 provide or maintain a high level of school safety and address the  
5 school's procedures for complying with existing laws related to  
6 school safety, which shall include the development of all of the  
7 following:

8 (A) Child abuse reporting procedures consistent with Article  
9 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
10 Part 4 of the Penal Code.

11 (B) Disaster procedures, routine and emergency, including  
12 adaptations for pupils with disabilities in accordance with the  
13 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
14 12101 et seq.). The disaster procedures shall also include, but not  
15 be limited to, both of the following:

16 (i) Establishing an earthquake emergency procedure system in  
17 every public school building having an occupant capacity of 50  
18 or more pupils or more than one classroom. A school district or  
19 county office of education may work with the California  
20 Emergency Management Agency and the Seismic Safety  
21 Commission to develop and establish the earthquake emergency  
22 procedure system. The system shall include, but not be limited to,  
23 all of the following:

24 (I) A school building disaster plan, ready for implementation  
25 at any time, for maintaining the safety and care of pupils and staff.

26 (II) A drop procedure whereby each pupil and staff member  
27 takes cover under a table or desk, dropping to his or her knees,  
28 with the head protected by the arms, and the back to the windows.  
29 A drop procedure practice shall be held at least once each school  
30 quarter in elementary schools and at least once a semester in  
31 secondary schools.

32 (III) Protective measures to be taken before, during, and  
33 following an earthquake.

34 (IV) A program to ensure that pupils and both the certificated  
35 and classified staff are aware of, and properly trained in, the  
36 earthquake emergency procedure system.

37 (ii) Establishing a procedure to allow a public agency, including  
38 the American Red Cross, to use school buildings, grounds, and  
39 equipment for mass care and welfare shelters during disasters or  
40 other emergencies affecting the public health and welfare. The

1 school district or county office of education shall cooperate with  
2 the public agency in furnishing and maintaining the services as  
3 the school district or county office of education may deem  
4 necessary to meet the needs of the community.

5 (C) Policies pursuant to subdivision (d) of Section 48915 for  
6 pupils who committed an act listed in subdivision (c) of Section  
7 48915 and other school-designated serious acts that would lead to  
8 suspension, expulsion, or mandatory expulsion recommendations  
9 pursuant to Article 1 (commencing with Section 48900) of Chapter  
10 6 of Part 27 of Division 4 of Title 2.

11 (D) Procedures to notify teachers of dangerous pupils pursuant  
12 to Section 49079.

13 (E) A discrimination and harassment policy consistent with the  
14 prohibition against discrimination contained in Chapter 2  
15 (commencing with Section 200) of Part 1.

16 (F) The provisions of ~~any~~ a schoolwide dress code, pursuant to  
17 Section 35183, that prohibits pupils from wearing “gang-related  
18 apparel,” if the school has adopted that type of a dress code. For  
19 those purposes, the comprehensive school safety plan shall define  
20 “gang-related apparel.” The definition shall be limited to apparel  
21 that, if worn or displayed on a school campus, reasonably could  
22 be determined to threaten the health and safety of the school  
23 environment. ~~Any~~ A schoolwide dress code established pursuant  
24 to this section and Section 35183 shall be enforced on the school  
25 campus and at any school-sponsored activity by the principal of  
26 the school or the person designated by the principal. For purposes  
27 of this paragraph, “gang-related apparel” shall not be considered  
28 a protected form of speech pursuant to Section 48950.

29 (G) Procedures for safe ingress and egress of pupils, parents,  
30 and school employees to and from school.

31 (H) A safe and orderly environment conducive to learning at  
32 the school.

33 (I) The rules and procedures on school discipline adopted  
34 pursuant to Sections 35291 and 35291.5.

35 (J) Clear guidelines for the roles and responsibilities of adults  
36 on the school campus, including, but not limited to, all of the  
37 following persons:

- 38 (i) Police officers.
- 39 (ii) Counselors.
- 40 (iii) Administrators.

1 (iv) Teachers.

2 (K) *Guidelines that identify the proper roles of all adults on*  
3 *and off school campus, including the roles and limitations of police*  
4 *officers on school campus.*

5 (b) It is the intent of the Legislature that schools develop  
6 comprehensive school safety plans using existing resources,  
7 including the materials and services of the partnership, pursuant  
8 to this chapter. It is also the intent of the Legislature that schools  
9 use the handbook developed and distributed by the School/Law  
10 Enforcement Partnership Program entitled “Safe Schools: A  
11 Planning Guide for Action” in conjunction with developing their  
12 plan for school safety.

13 (c) Grants to assist schools in implementing their comprehensive  
14 school safety plan shall be made available through the partnership  
15 as authorized by Section 32285.

16 (d) Each schoolsite council or school safety planning committee  
17 in developing and updating a comprehensive school safety plan  
18 shall, where practical, consult, cooperate, and coordinate with  
19 other schoolsite councils or school safety planning committees.

20 (e) The comprehensive school safety plan may be evaluated and  
21 amended, as needed, by the school safety planning committee, but  
22 shall be evaluated at least once a year, to ensure that the  
23 comprehensive school safety plan is properly implemented. An  
24 updated file of all safety-related plans and materials shall be readily  
25 available for inspection by the public.

26 (f) As comprehensive school safety plans are reviewed and  
27 updated, the Legislature encourages all plans, to the extent that  
28 resources are available, to include policies and procedures aimed  
29 at the prevention of bullying.

30 (g) The comprehensive school safety plan, as written and  
31 updated by the schoolsite council or school safety planning  
32 committee, shall be submitted for approval under subdivision (a)  
33 of Section 32288.

34 (h) *A school or school district that elects to apply for and receive*  
35 *state or federal funding for the purposes of increasing campus*  
36 *safety shall comply with the following:*

37 (1) *Submit a plan to the department on the proposed use of the*  
38 *funds.*

39 (2) *Develop, if using funds for additional law enforcement*  
40 *personnel, clear memoranda of understanding with law*

1 *enforcement on the roles and responsibilities of law enforcement*  
2 *on and off school campus. The memoranda of understanding shall*  
3 *be available to the public.*

4 *(3) Prioritize, if electing to receive additional funding for*  
5 *campus safety from a state or federal source, using funding for*  
6 *counselors and administrators before using the funds to increase*  
7 *law enforcement, to the extent this prioritization is permitted by*  
8 *state and federal law.*

9 SEC. 3. If the Commission on State Mandates determines that  
10 this act contains costs mandated by the state, reimbursement to  
11 local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.